

# Texting and Other Phone Manipulation While Driving

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# 41-8-4 Juvenile Phone Use

This statute is not about selfies???





# 41-8-4 < 18 and Driving

- Under 18 = no wireless telephone use to communicate with another person while operating a motor vehicle upon a highway of this state.
- Affirmative defenses to a violation of this section, Using a phone:
  - during a medical emergency;
  - when reporting a safety hazard or requesting assistance relating to a safety hazard;
  - when reporting criminal activity or requesting assistance relating to criminal activity; or
  - when communicating with a parent or legal guardian.
- Infraction with maximum \$25 FINE.
- It is not a reportable violation.
- The Driver License Division may not assess points under Section [53-3-221](#) .

# 41-6a-1641 Video Display in Motor Vehicle

- A motor vehicle may not be operated on a highway if the motor vehicle is equipped with a video display located so that the display is visible to the operator of the vehicle.
- This section does not prohibit the use of a video display used exclusively for:
  - safety or law enforcement purposes if the use is approved by rule of the department under Section [41-6a-1601](#);
  - motor vehicle navigation; or
  - monitoring of equipment and operating systems of the motor vehicle.

# 41-6a-1715 Careless Driving

- A person operating a motor vehicle is guilty of careless driving if the person:
  - commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or
  - commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:
    - searching for an item in the vehicle; or
    - attending to personal hygiene or grooming.
- A violation of this section is a class C misdemeanor.
- In addition to the penalty provided under this section or any other section, a judge may order the revocation of the convicted person's driver license if the violation causes or results in the death of another person in accordance with Subsection [53-3-218](#)(6).

# 41-6a-1716 Handheld Wireless Use While Driving

- "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires
- "Handheld wireless communication device" includes a:
  - wireless telephone;
  - text messaging device;
  - laptop; or
  - any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.
- **a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to manually:**
  - **write, send, or read a written communication, including:**
    - a text message;
    - an instant message; or
    - electronic mail;
  - dial a phone number;
  - access the Internet;
  - view or record video; or
  - enter data into a handheld wireless communication device.

# Handheld Wireless Device Cont'd

- A person is not prohibited from using a handheld wireless communication device while operating a moving motor vehicle:
  - when using a handheld communication device for voice communication;
  - to view a global positioning or navigation device or a global positioning or navigation application;
  - during a medical emergency;
  - when reporting a safety hazard or requesting assistance relating to a safety hazard;
  - when reporting criminal activity or requesting assistance relating to a criminal activity;
  - when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment;
  - **or to operate:**
    - **hands-free or voice operated technology; or**
    - **a system that is physically or electronically integrated into the motor vehicle.**
- A person convicted of a violation of this section is guilty of a:
  - class C misdemeanor with a maximum fine of \$100; or
  - class B misdemeanor if the person:
    - has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device in violation of this section while operating a moving motor vehicle on a highway in this state; or
    - has a prior conviction under this section, that is within three years of:
      - the current conviction under this section; or
      - the commission of the offense upon which the current conviction is based.

# 76-5-207.5 Automobile Homicide with Handheld Wireless Device

- Criminal homicide is automobile homicide, a third degree felony, if the person operates a moving motor vehicle in a **negligent manner**:
  - while using a handheld wireless communication device in violation of Section [41-6a-1716](#); and
  - causing the death of another person.
- Criminal homicide is automobile homicide, a second degree felony, if the person operates a moving motor vehicle in a **criminally negligent manner**:
  - while using a handheld wireless communication device in violation of Section [41-6a-1716](#); and
  - causing the death of another person.